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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,854	06/18/2001	Gilad Odinak	WING-1-1016	1886
25315	7590	09/02/2004	EXAMINER	
BLACK LOWE & GRAHAM, PLLC			GARG, YOGESH C	
701 FIFTH AVENUE			ART UNIT	PAPER NUMBER
SUITE 4800				
SEATTLE, WA 98104			3625	

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/884,854	ODINAK ET AL.
Examiner	Art Unit	
Yogesh C Garg	3625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 04 June 2004.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-64 is/are pending in the application.  
4a) Of the above claim(s) 11-18 and 55-64 is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-10 and 19-54 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. The Amendment, received on 6/4/2004, is acknowledged and entered. The applicant has amended claims 1, 3, 11, 19, 27, 34, 35, 37, 44, 47, 48 and 49 and added new claims 55-64. Currently claims 1 through 64 are pending for examination in the application.

***Election/Restrictions***

2. Newly submitted claims 55-64 and currently amended claims 11-18 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The invention claimed, see newly added claims 55-64, is directed to receiving a first transmission at a vehicle from a first information server and wirelessly and automatically transmitting additional content from a second server without user intervention, whereas the originally claimed invention did not require these limitations. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter and the search required for newly submitted claims 55-64 is not required for originally presented invention, restriction for examination purposes as indicated is proper.

The invention claimed, see currently amended claims 11-18, is directed to wirelessly transmitting the recorded requests to the server over a second data network, whereas the originally claimed invention did not require this limitation. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their

recognized divergent subject matter and the search required for currently amended claims 11-18 is not required for originally presented invention, restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, these inventions (claims 11-18 and 55-64) have been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 11-18 and 55-64 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Response to Arguments***

3. Applicant's arguments filed on 6/24/2004 have been fully considered but are moot in view of the new ground(s) of rejection.

This is a non-final rejection.

4. Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 9-10, 19-23, 25-33, 35-40, 42-51, and 53-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Crosby et al. (US Patent 6,628,928), hereinafter, referred to as Crosby.

With regards to claims 1-7, and 9-10 Crosby teaches a method comprising: receiving a radio broadcast at a vehicle, the vehicle having vehicle information; wirelessly transmitting content associated with the vehicle information from a server to the vehicle via a data network based on radio broadcast information associated with the received radio broadcast; presenting content over a user interface at the vehicle; recording any requests made by a user based on the presented content; wirelessly transmitting the recorded requests to the server over the data network; processing each sent request, wherein processing comprises generating a confirmation message upon completing a transaction based on the request; wirelessly transmitting the generated confirmation message to the vehicle over the data network; and presenting the sent confirmation message over the user interface, further comprising wirelessly transmitting vehicle information- identifying vehicle location and direction

of travel- from the vehicle to the server over the data network, wherein the content transmitted from the server to the vehicle via a data network is based on radio broadcast information associated with the vehicle information includes at least one of the vehicle's location, trajectory, information requests, or transaction requests, wherein presenting comprises presenting at least a portion of the content or the message audibly, or displaying visually at least a portion of the content or the message, wherein recording comprises recording a phonation, wherein processing comprises performing voice recognition processing of the phonation, wherein completing comprises: contacting a business system; and sending information from the business system to the server relating to the request, wherein the confirmation information comprises at least a portion of the information sent by the business system, and wherein a recorded request is a request to purchase an item offered for purchase in one or more of the received radio broadcast or the sent content (see at least col.5, line 66-col.8, line 47, Quote:

*" FIG. 1 illustrates an interactive radio network 100 wherein signals broadcast by land-based radio broadcasters 102 are received by interactive radio mobile units or mobile stations mounted within vehicles 104, with each mobile unit operated by a subscriber or other user (not separately shown.) While listening to a radio broadcast, the subscribers transmit commands or other responsive signals from the mobile units via a communications satellite 106 to an interactive radio network ground station 108, which forwards the commands to an interactive radio network operations center 110. In response to commands received from the subscribers, the network operations center provides information feedback to the subscribers via the Internet 111, with the information being received at individual subscriber computers 112. In this manner, subscribers operating mobile units mounted within automobiles, trucks, planes, trains or the like, may request information pertaining to program segments broadcast by the various broadcasters..... .The subscriber thereby obtains information such as the song name and performer name for various musical selections of interest and, if desired, purchases any or all of the*

*songs via e-commerce Internet sites accessible via the computer. ....In one other application, the system is configured to permit a subscriber to immediately enter a purchase order via the mobile unit, then review confirmation information via the Internet. .... ... Each mobile unit includes a broadcast radio receiver and a wireless transmitter. ....The wireless transmitter is a satellite wireless communications device, which transmits signals via satellite 106 to interactive radio ground station 108. (Herein-below, alternative implementations utilizing cellular telephone base stations or dedicated localized communication systems are described.) .........The primary components of the mobile unit are illustrated in FIG. 2 and include a radio receiver 116, a GPS unit 118, a wireless satellite telephone transmitter 120 and a subscriber interface 122 for receiving control signals from an subscriber via one or more input buttons or other input devices..... The subscriber interface receives GPS coordinates from the GPS unit and receives radio broadcast signals from the radio receiver then, in response to commands entered by the subscriber, generates various interactive radio signals for transference to the wireless transmitter for transmission to the network operations center of FIG. 1. .... Referring again to FIG. 1, network operations center 110 processes the interactive radio signals transmitted by the mobile unit and generate appropriate feedback to the subscriber via the Internet..... Next, the network operations center downloads information pertinent to the program segment and provides that information within a web site accessible by the subscriber, ..... Thereafter, the subscriber may download the information from the web site into his or her computer or PDA by accessing the web site using the subscriber name and password. Alternatively, ..... In the example wherein the program segment selected by the subscriber is a musical selection, the network operations center provides information including the song title, CD title, ..... In the example wherein the radio program segment selected by the subscriber is a radio advertisement, the network operations center provides information within a web page identifying the vendor and the specific goods or services offered for sale within the advertisement. .... .... ". Unquote. See also col.col.4, lines 42-45 and col.11, line 1-col.12, line 11.).*

With regards to method, system and apparatus claims, 19-23, 25-33, 35-40, 42-51, and 53-54, their limitations correspond to the limitations of method claims 1-7, and 9-10 and are therefore analyzed and rejected based on the same rationale.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 24, 34, 41, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crosby, and further in view of Treyz et al. (US Patent 6,526,335 B1), hereinafter, referred to as Treyz.

With regards to claims 8, 24, 34, 41, and 52, Crosby teaches a method, a system, and an apparatus, as disclosed in claims 1, 19, 27, 37, and 49 respectively and analyzed above. From the above analysis based on Crosby it is evident that the user in the vehicle is able to purchase products based upon the broadcast content. Crosby does not show, contacting a bank system to execute a monetary transfer based on user information and the request. However, in the field of same endeavor, that is using an interactive automobile personal computer system in a vehicle, Treyz teaches contacting a bank and executing a money transfer based on user information and request via a communication network (see at least, Figs 50 and 51 and col.45, line 9-col.46, line 6, “ *At step 646, automobile personal computer 14 may communicate with the wireless device to authorize payment on behalf of the user. The payment may be for any suitable benefit, such as purchasing a product or*

*service such as food ..... Audible and visual techniques may be used to convey this information and to confirm that the transaction took place. ... Financial transactions may be involved in using automobile personal computer 14 to interact with wireless communications devices over remote and local wireless links. " and col.71, lines 28-42, " Steps 1002 and 1004 may be implemented locally on automobile personal computer 14, may be implemented remotely (e.g., on a remote server that is in communication with automobile personal computer 14 over a remote wireless link such as a remote wireless Internet link or the like), ... ..... A benefit may be provided remotely by crediting the user's bank account ".*

In view of Treyz, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to combine Treyz's feature of contacting a bank and executing a money transfer based on user information and request via a communication network with Crosby's interactive radio service system in a vehicle, because to allow the passengers in the vehicle to communicate with any other server including that of a bank and execute money transfer to close a purchase deal.

### ***Conclusion***

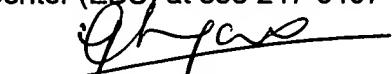
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) Rothblatt (US Patent 6,105,060) teaches a global, portable Internet service system 10 for providing a remotely located user in a vehicle with the ability to receive high quality sound, data and images and to transmit information in accordance with the present invention is preferably implemented using a satellite direct radio broadcast system (see at least col.3, line 35-col.4, line 3, Figs.1 through 9B).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yogesh C Garg  
Primary Examiner  
Art Unit 3625

YCG  
August 31, 2004